Present.

App. F. IX-4

Previous References
C. S 81-31 (1-4)

1931-9
(C.S)

File No. 81-31
Serial Nos. 5-8

Later References
C - S 33-32 (1-6)
" 53-33 (1-4)

PRESERVED

General and Revenue Secretariat.

Serial Nos. four

Part B for Anyr

SUBJECT.

Powers of the Registrar of Cooperative Societies to amend the bye-laws of the Co-operative Societies,

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General and Revenue Secretariat | CS File No. 81 of 193 /.

Serial No.

5

From the Regr of CS.
No. 8789 CS of 12.5.32

Requests to be informed whether the byelaw as amended by the Genl body of the City Corpn Bangalore - Mysore - may be appd. +

States that uncooperative Byelaws appd since 20 or 25 yrs ago have cannot be set right at all unless the genl body proposes to amend them & suggests some provision being made in the Law to set right such material defects -

Submd for orders

Hon KP 16/5/-

A

B

? A - The Regr may be told that they may be approved.

? B - The Genl bodies have to be suitably advised by their departmental officers.

Dev. Secy) 23/6/32

A. It is for the Registrar should take action as per cl (6) of rule 8. He may take necessary action in the matter as that the Govt. have observed is that the Regr. has no power to amend the byelaws but he may withhold approval if the byelaws is defective

B. It is doubtful if legislative action is necessary in a case like this. The Registrar may be asked

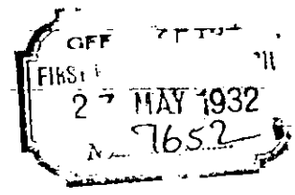
NOTE—Con'tn. Sheet.

28/5/32

File No. of 193 | General and Revenue Secretariat

& prepare a Sch. of model bylaws and refer them to the usual institutions for adoption with such modifications as may deem necessary -

(Br. member)



MS 27.5.32

I wish to discuss this with Dev Secy. We have to consider which are all the ways open to the Regr to get a Society to modify any of its by-laws which conflicts with general principles of Co-operation and which Course is the best for adoption in a Case of this Kind.

2/ Law

Please verify whether there are any such provisions in other provincial Acts

Q Send the file in person to member Please and obtd instructions.

MS 30/5/32 M 31/5/32 1/2/6

Q Please find out if any provision exists in the legal Enactments in force in other presidencies. If there is no such provision the Regr. may be justifiably informed that cases of the kind adverted to by him are of rare occurrence that the modification proposed does not appear to be urgently called for & legislation is inexpedient. MS 5/7

See. See Encl. 1 ... grounds ...

(B) Vide Secs. 9 & 11, ... 1912, Sec 44 (c)

(D) A note on the point raised is herewith put up for consideration.

Dev Secy) 6/7/32

6

TO the Regr of Cs
Enquiry if any provision exists in the legal enactments in force in Br India whereby the Regr can move by any bylaw which conflicts with the general principles of Co-operation.

Dev Secy) 6/7.

8 vs A

MR 15/7

GEN. SECRETARIAT

(13)

N O T E.

A Co-operative Society is registered under Sec. 9 of Regulation VII of 1918 only if the proposed byelaws are not contrary to the provisions of the Regulation and the rules framed thereunder. The Registrar has enough powers to get any modification of these byelaws before he finally registers the Society and gives it corporate personality. But when once this is done, the byelaws thereafter may be made, altered or abrogated only in accordance with a resolution passed at a general meeting of the Society. The modifications however cannot take effect unless they are duly approved by the Registrar. But the Registrar cannot get modified the byelaws once approved by him or his predecessor in office, without the consent of the general body of the Society. He has powers of advising the Society regarding such modifications but the initiative in actually effecting the modifications lies with the Committee of Management. The Registrar can, even against the will of the Committee, summon a general meeting under Rule 19 to consider the suggested modifications but he cannot go further and coerce the general body into accepting his suggestions. In the very great majority of cases, the Registrar's position is such that a Society would not be imprudent enough to go against the advice of the Registrar. In an extreme case, the Registrar can even go to the extent of disolving the Society under Sec.39, if he finds it to be carried on quite against the general principles of co-operation. But there is no power under the law for the Registrar to compel the Society against their will to

effect the modifications he desires in their byelaws.

If such a power is to be given to the Registrar, the Regulation has to be suitably amended. But it is a matter for consideration if it is really necessary to invest the Registrar with such powers. For one thing, the power would be a power of reviewing the decisions of his predecessors in office, because the original byelaws could have come into existence only with the approval of the then Registrar which approval could have been -- given only if he was satisfied that the byelaws were in accordance with the co-operative principles. It does not seem to be proper for another Registrar, after a lapse of 20 or 25 years, to declare such a byelaw to be against the principles of co-operation and to get it modified against the will of the general body of the Society.

M Gopalao

1-7-32

Regr's powers to amend Co-operative Societies' Byelaws

[App. F. III—2

General and Revenue Secretariat

CS File No. 815 of 1931.

Serial No.

7 From the Regr Co-ops

Do no 85-CS dt 13.8.1932

States that no such provision exists in the Co-operative Act or the Rules thereunder in British India, but that the Regr presents model byelaws, and when amendments are prescribed thereto, circulars are issued to all Societies instructing them to modify their byelaws accordingly.

Dealt with re para 9 ante

The Regr states that no provision exists in Br. Indian Acts conferring on the Regr the powers of modifying byelaws of Co-op Societies.

17/8

Put up draft reply to Regr, as per orders of the Dev. Secy at para 9 ante

18/8/32

Cd. Please see me

19/8/32

Dealt with a draft

18/8

Draft revised as per instructions

19/8

Draft for approval

22/8/32

Dev. Secy)

Fair draft put up as instructed

23/8

Asst. Secy.

Let us discuss this tomorrow

24/8

3 AUG. 193 ... NL. & REV. SEC.

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

CS File No. 87 of 193 | General and Revenue Secretariat

I have slightly modified the draft, subject to approval.

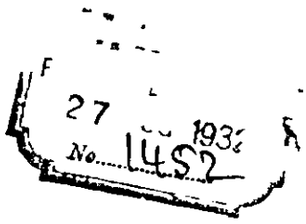
27-8-32

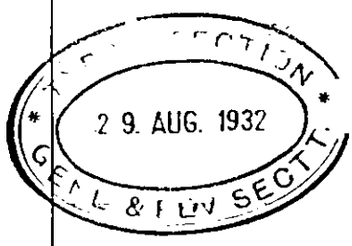
I. Mr.)

27/8/32

Mucs 29/8/32

Secy 29/8

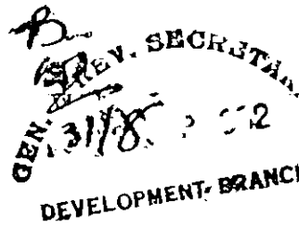




To The Regr of CS
D 961 d 31-8-32

8

States that the cases of the kind referred to by him would be few and it does not seem expedient to make any special legislation in this regard and that in regard to the bye law 51 of the Mysore City Cooperative Bank being approved, necessary action may be taken as per clause (c) of Rule 8.



(1)

No. 8189/32

Telegraphic Address: "CO-OPERT" BANGALORE

DEPARTMENT OF CO-OPERATION
GOVERNMENT OF MYSORE.
OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN MYSORE.

Dated, Bangalore,.....12th....May....*1932* .

CS81-31-5

D Lr 370

GEN. & REV. SECRETARIAT. 13 MAY 1932

DEVELOPMENT BRANCH

FROM

K. H. RAMAYYA, ESQ., B.A., BAR-AT-LAW,
REGISTRAR OF CO-OPERATIVE SOCIETIES
IN MYSORE, BANGALORE.

To

DEVELOPMENT SECRET 13. MAY 19

The Secretary to Government,
Development Department,
Bangalore.

Sir,

(P) 17/5/32

Adverting to G.O. No.D.5218-19 C.S. 81-31-4 dated 20th/22nd April 1932 allowing the appeal preferred by the Mysore City Co-operative Bank, Ltd and cancelling the Assistant Registrar's modification of the byelaw in question, I have the honour to request to be informed whether the byelaw as amended by the General body of the Bank may be approved, as in the Government Order referred to, there is no direction regarding the approval of the amendment as required under rule 9 of the Co-operative Rules.

In this connection I may be permitted to add that, according to the exposition of law now given by Government, unco-operative Byelaws or any clauses thereof approved some 20 or 25 years back, when the Movement was in its infancy and sufficient experience had not been gained, cannot be set right at all, unless the general body propose to amend them properly, and I beg to submit that some provision in law to set right such material defects is necessary.

I have the honor to be,
Sir,
Your most obedient Servant,

K H Ramayya
Registrar.

Appendix F G—1]

2

SUBJECT .....

.....

.....

Section "C"

File No. 87-31

Serial No. 6

TYPING SECTION 1932 GENL. & REV. SECTT.

Diary No. of letter replied to .....

No. 8.199

To

General and Revenue Secretariat

( )

the 193 .

Date of issue 13/7/32

Signed by Mr B. Muthukrishnappa

Draft for approval as the information required by the Secy is not available here

KB

List of enclosures .....

9/12/17

Copied by .....

Examined by .....

Dear Sir,

With reference to your letter No. 8189 of 12th May 1932 proposing certain modifications to rule 9 of the Cooperative rules, I am directed to enquire if any provision exists in the legal enactments in force in ~~the~~ British India ~~Presidencies~~ whereby the Registrar can modify any bylaw which conflicts with the general principles of cooperation An early reply is requested.

Yours sincerely

9/12/17

K.V. Ramayya, Esqr BA. Bar-at-Law
Registrar of C.S. in Mysore

WD 71—GBPM—40,000—20-7-31.

CS. 81-31-7 D. 614

DEPARTMENT OF CO-OPERATION

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN MYSORE

DEVELOPMENT SECRETARIAT
Telegraphic Address
"CO-OPERT"
BANGALORE

DEV. & PUBLICITY BRANCH
DEVELOPMENT SECRETARIAT

D. O. No. 85 CS

Dated, Bangalore, 13 August *1932.*

Dear Mr. Srinivasa Iyengar,

With reference to Development Secretary's letter No.D.199/CS.81-31-6 dated 12th/13th July 1932 re: provision for modifying any byelaw which conflicts with the general principles of Co-operation, I write to inform you that no such provision seems to exist in the Co-operative Act or the Rules thereunder in British India. But the Registrar prescribes the Model Byelaws for all kinds of societies and when amendments are prescribed thereto, Circulars are issued to all societies instructing them to modify their byelaws accordingly.

Yours sincerely,

K H Ramaiah

D.Srinivasa Iyengar, Esq., B.A.,
Secretary to Government of Mysore,
Development Department, Bangalore.

12/8.

CS 81-31-8

D. 961

To

The Registrar of Co-operative
Societies in Mysore, Bangalore.

S I R,

With reference to the correspondence ending with your D.O. letter No. 85 C.S. dated 13th August 1932, on the subject of the powers of the Registrar to amend the bye-laws of Co-operative Societies, I am directed to state that cases of the kind referred to by you and ~~requiring amendments of Societies' bye-laws~~ would be few and it does not seem expedient ~~seem to be~~ ~~it is recommended that~~ ~~are so few that a modification of the same~~ to make any official legislature power is ~~does not appear to be~~ urgently called for now ~~and legislation inexpedient.~~ ~~If may be reported that similar powers are given to Registrars in the various Provinces of British India~~ In regard

2. As ~~regards your question~~ whether bye-law No. 51 of the Mysore City Co-operative Bank as amended by the General Body of the Bank may be approved, I am directed to state that necessary action may be taken as per clause (c) of rule 8. All that the Government have observed is that the Registrar has no power to amend the bye-law but he may with-hold approval if the bye-law is defective.

I have etc.,

27-8-32

Secretary to Government,
Development Department.

TSS.

30th August 2

No D 961

The

The Registrar of Co-operative Societies in Mysore,
Bangalore.

With reference to the correspondence ending with your D.O.letter No.85 C.S. dated 13th August 1932, on the subject of the powers of the Registrar to amend the bye-laws of Co-operative Societies, I am directed to state that cases of the kind referred to by you would be few and it does not seem expedient to make any special legislative provision in this regard.

2. As to whether bye-law No.51 of the Mysore City Co-operative Bank as amended by the General Body of the Bank may be approved, I am directed to state that necessary action may be taken as per clause (c) of rule 8.

I have the honor to be,
Sir,
Your most obedient servant,

For Secretary to Government,
Development Department.

S.R.-2